

Minutes of Land Use, Parks and Environment Committee
Tuesday, November 8, 2011

Chair Fritz Ruf called the meeting to order at 8:32 a.m.

Committee Members Present: Supervisors Fritz Ruf (Chair), Walter Kolb, James Jeskewitz, Tom Schellinger, Rob Hutton. **Absent:** Supervisors Ted Rolfs, Michael Inda.

Also Present: Legislative Policy Advisor Sarah Spaeth, Legislative Associate Karen Phillips, Planning and Zoning Manager Jason Fruth, Park System Manager Duane Grimm, Land Resources Manager Perry Lindquist, Senior Financial Analysts Bill Duckwitz and Danielle Igielski, Laurel Walker of the Journal Sentinel, Town of Waukesha Chairperson Angie Van Scyoc, Dave Smart of Smart Realty, Mark Lake of MRED-Cummings/Walgreens, Tom Schmitzer of HRMB, SC/MRED.

Approve Minutes of October 4 and October 18, 2011

MOTION: Kolb moved, second by Jeskewitz, to approve the minutes of October 4 and October 18, 2011. Motion carried 5-0.

Future Meeting Date

- December 13, 2011

Correspondence

- Letter from Parks and Land Use Director Dale Shaver and Corporation Counsel Tom Farley to Towns of Genesee, Oconomowoc and Vernon's chairpersons regarding their proposed town zoning codes.

Legislative Update

Spaeth stated the current legislative session concluded for the year. There are several pending bills which Waukesha County supports that may be taken up when the legislature reconvenes in the spring.

Public Comment

Ruf stated that public comment on any of the agenda items would be welcome now or at the time the item is taken up for discussion by the Committee.

- Schmitzer, representing MRED-Cummings (Walgreens) and the property owner (Smart), spoke in regard to Ordinance 166-O-069. He asked the committee for their support of the proposed Waukesha County Comprehensive Development Plan amendment and requested they recommend approval to the County Board.

Ordinance 166-O-068: Amend The Text Of The Town Of Waukesha Zoning Code By Amending Section 13-2-15(c)(12) Pertaining To The Regulation Of Off-Premise Signs (ZT-1725)

Fruth stated this amendment proposes a minor change to the Town of Waukesha Zoning Code involving signage provisions. The Town's code currently prohibits permanent off-premise signs. The amendment would allow off-premise signs provided certain approvals from the Town Plan Commission and Town Board are obtained. An off-premise sign may be approved where multiple adjacent commercial property owners would share a sign; however, the owners would be required to enter into a formal agreement regarding its use, maintenance, etc., and record the agreement with the Waukesha County Register of Deeds. Planning and Zoning staff recommends approval of the proposed amendment as presented.

MOTION: Jeskewitz moved, second by Kolb, to approve Ordinance 166-O-068. Motion carried 5-0.

Ordinance 166-O-069: Year 2011 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (2B – Mark Lake, MRED-Cummings), Section 17, Town Of Waukesha

Fruth discussed this request to change the current Land Use designation for five properties located in the Town of Waukesha from the low density residential category to the mixed use category in order to accommodate a proposed commercial development that would include a potential Walgreens and one additional retail site. This proposal has been on hold for some time in anticipation of the west Waukesha bypass study results and whether a potential route alternative would result in the need for any reconfiguration of the subject intersection. When the 2011 Comprehensive Development Plan amendment process began in February 2011, action on this request was withheld until the Waukesha County Department of Public Works (DPW) had more time to analyze the alternate routes for the proposed west Waukesha bypass. Although the environmental impact study (EIS) is not yet completed and a preferred alternate not selected, DPW has analyzed in detail the right-of way-impacts and access issues and determined the bypass would not be negatively impacted by this proposal.

Potential impact on traffic patterns and road configurations were further discussed. Kolb expressed concerns with a possible median closure that would affect the main access to Waukesha State Bank on County Highway X. Fruth said that once a preferred bypass alternate has been identified, there would likely be additional discussion with affected businesses and property owners.

Fruth clarified that the Town of Waukesha has zoning jurisdiction over the site; the County's jurisdiction is limited to the public works/highway issues and storm water management. At this point staff has not done any calculations regarding current versus potential new impervious surface areas, as the plans are only conceptual. The Comprehensive Development Plan amendment request is simply a request for a change in land use designation to Mixed Use, which would allow for a broad range of uses including residential. There have been multiple opportunities for public comment on the proposed development. Neighboring residents' concerns included possible negative impacts from lighting, traffic, fencing, etc. The Town of Waukesha submitted a letter to the County asking that action on this issue be deferred until the EIS advances further. DPW Director Allison Bussler stated she is comfortable that the highway impact had been analyzed sufficiently. Ultimately, the Park and Planning Commission recommended approval of this land use designation request by a vote of 4-2, in accordance with Planning and Zoning staff recommendation. Fruth further explained the staff recommendation is subject to three specific conditions: mixed uses must be limited to residential, retail and office uses; future development proposals must contain adequate buffering provisions for adjacent residential uses; traffic access and circulation issues must be addressed at the time of future rezoning and site plan requests.

- Van Scyoc spoke in regard to Ordinance 166-O-069, requesting that this issue be held over until after the bypass route is determined and the Town of Waukesha submits their land use plan to the County in January 2012.

Further discussion ensued to clarify particular statements and votes made at the Park and Planning Commission meeting of November 3, 2011. Jeskewitz surmised that since this land use designation request has already been on hold almost two years, waiting a few more months should not matter much. Kolb noted that in the end, the Town has the power and control with regard to the zoning designations. The County, by changing the land use designation to Mixed Use, gives a greater flexibility for the Town and the developer to work together and come to an equitable solution.

MOTION: Kolb moved, second by Hutton, to approve Ordinance 166-O-069. Motion carried 4-1 (Jeskewitz).

Ordinance 166-O-070: Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zoning Code For The Town Of Oconomowoc By Revising A Previously Imposed Condition Of Approval (Condition No. 4, Enrolled Ordinance No. 162-109) For Lands Located In Part Of The NW ¼ Of Section 20, T8N, R17E Town Of Oconomowoc, Waukesha County, Wisconsin (CZ-1663A)

Fruth explained the location of the 4.6-acre property as south of STH 16/67 and east of Pennsylvania Street in the Town of Oconomowoc, with the area of rezoning consisting of 2.8 acres. The existing rezone on the subject property conditioned that it would revert back to its original zoning if not developed within 3 years. Mainly due to the current state of the economy, the petitioner is requesting an extension of the rezone deadline. This ordinance would amend a previous condition of approval (Condition No. 4, Enrolled Ordinance 162-109) to extend the 3-year timeframe to develop the property for 5 additional years. The Town of Oconomowoc Board has approved this request. Planning and Zoning staff recommend approval subject to the 4 conditions as outlined in the attachment of the ordinance.

MOTION: Kolb moved, second by Schellinger, to approve Ordinance 166-O-070. Motion carried 5-0.

Ordinance 166-O-071: Amend The Town Of Oconomowoc District Zoning Map Of The Waukesha County Zoning Code For The Town Of Oconomowoc By Conditionally Rezoning Certain Lands Located In Part Of The SW ¼ Of Section 26, T8N, R17E, Town Of Oconomowoc, From The B-2 Local Business District To The B-3 General Business District (CZ-1721)

Fruth explained the location of the subject property, consisting of 77,972 sq. ft., in the Town of Oconomowoc. The property contains a multi-tenant warehouse/retail and office structure. The building is largely vacant except for two remaining businesses. This ordinance would conditionally rezone the property from the B-2 Local Business District to the B-3 General Business District for a proposed laser tag facility with associated retail sales and video games. Planning and Zoning staff recommends approval of the petitioner's request subject to conditions as outlined in the ordinance.

MOTION: Jeskewitz moved, second by Schellinger, to approve Ordinance 166-O-071. Motion carried 5-0.

Ordinance 166-O-072: Authorize Outdoor Recreation Trail Aid Funding For Waukesha County Snowmobile Trails

Grimm explained that the State of Wisconsin reviewed records and found the last resolution on file pertaining to snowmobile funding for Waukesha County was out of date. The State recommended that approval from the Waukesha County Board be obtained in order to continue to receive trail aid funding for acquisition, insurance, development and maintenance of public snowmobile trails. Grimm distributed copies of a map titled *Official Trail Map of the Waukesha County Snowmobile Association - 2010-2011 Waukesha County Snowmobile Trail Map*.

Grimm said that the State requires the County to coordinate, apply for and disperse the funds to the various snowmobile groups, in this case the Waukesha County Snowmobile Alliance. This ordinance would allow the Department of Parks and Land Use to be the pass through agent by which the Snowmobile Alliance can get funding for maintenance of the trails. The Alliance takes responsibility for grooming trails, paperwork, etc., Kolb asked if any County tax levy is used for this program. Grimm stated no, the funding comes from snowmobile taxes (fees, licensing, etc.), not property taxes. Grimm further addressed Kolb's concerns regarding landowner liability issues.

Hutton asked whether there is anything different in this agreement than what is currently in place. Grimm stated the County is only renewing its authority to continue in this program at the request of the State; there is nothing different from what has been done for the last 20-30 years.

Jeskewitz inquired if there would be future costs to repair roads in the areas of snowmobile crossings. Grimm stated that if snowmobile related road repairs are necessary, the Snowmobile Alliance would include it in their grant request. Hutton asked if the Snowmobile Alliance is 100% sustained by State grants/funding. Grimm stated he was unsure if the group breaks even, but they do not ask for any funds from the County. The Snowmobile Alliance is made up of seven or eight separate groups, and the work they perform in maintaining the trails is voluntary.

MOTION: Hutton moved, second by Schellinger, to approve Ordinance 166-O-072. Motion carried 5-0.

Ordinance 166-O-074: Anchor Bank Property Acquisition

Grimm described the location of the subject property, which is surrounded by State-owned lands (formerly Rainbow Springs property) in the Town of Mukwonago. The County worked with Anchor Bank to divide off the residential portion of the property (800 ft. x 400 ft.) because of a defect in the title dating back many years. The title search revealed part of the property ownership was not properly transferred. The former owner or heirs have not yet been located to sign off on the property. The County would acquire the property excluding the 800 ft. x 400 ft. portion. The acquisition parcel is included in the current Park and Open Space Plan and would add 61.29 acres to the Mukwonago River Greenway corridor, at a price of \$550,000 (approximately \$9,000 per acre). Tarmann Parkland Acquisition funds will be used for the purchase; however, a letter of retroactivity has been filed with the State Department of Natural Resources so that the County can apply for stewardship funding.

MOTION: Kolb moved, second by Jeskewitz, to approve Ordinance 166-O-074. Motion carried 4-1 (Hutton).

Ordinance 166-O-073: Approve Agreement Between Veolia ES Emerald Park Landfill, LLC, City Of Muskego, City Of Franklin, Town Of Norway, Racine County, And Waukesha County For Western Expansion Of Veolia Emerald Park

Lindquist noted that in August 2011, the County Board approved a resolution which waived County participation in the negotiation and arbitration process for the proposed western expansion of the Veolia Emerald Park Landfill in Muskego. This ordinance authorizes the Department of Parks and Land Use to execute the agreement with Veolia related to the continued operation of the landfill.

Lindquist distributed and reviewed a handout titled *Emerald Park Landfill Muskego – Western Expansion Revised, Waukesha County Land Use Parks and Environment Committee 8/16/11*. The agreement includes “direct fee per ton” of waste disposed and also includes \$156,000 per year to support the Household Hazardous Waste Program. The current fee is \$4.56 per ton, which increases 5.2% annually. Waukesha County receives 15% of the per ton fee (currently \$0.68/per ton). The County’s share of this revenue is estimated at about \$301,000 in 2011 and about \$316,000 in 2012. Between the three landfills in which the County has agreements with, Veolia provides 70% of the revenue stream for supporting our recycling operation. Lindquist noted that this is a very good deal for the County.

MOTION: Hutton moved, second by Jeskewitz, to approve Ordinance 166-O-073. Motion carried 5-0.

MOTION: Kolb moved, second by Jeskewitz, to adjourn at 9:46 a.m. Motion carried 5-0.

Respectfully submitted,

Jim Jeskewitz,
Secretary